

**AMENDMENTS TO THE DRAWINGS**

***Replacement formal drawings of Figures 1-8 are submitted concurrently herewith under a separate cover letter.***

## REMARKS

By this Amendment, claims 1-4 are cancelled, and claim 5 is added. Thus, claim 5 is active in the application. Reexamination and reconsideration of the application are respectfully requested.

The specification and abstract have been carefully reviewed and revised in order to correct grammatical and idiomatic errors in order to aid the Examiner in further consideration of the application, and to correct the informalities of the specification and abstract as identified in items 2 and 3 on page 3 of the Office Action. The amendments to the specification and abstract are incorporated in the attached substitute specification and abstract. No new matter has been added.

Also attached hereto is a marked-up version of the substitute specification and abstract illustrating the changes made to the original specification and abstract.

In item 1 on page 2 of the Office Action, the drawings were objected to for the identified informalities. Replacement formal drawings of Figures 1-8 are submitted concurrently herewith under a separate cover letter in order to overcome the identified informalities.

In particular, the size of the reference characters in the drawings has been increased so as to comply with 37 CFR 1.84(p)(3). Furthermore, Figure 2 has been replaced with Figures 2A and 2B, where Figure 2B is a continuation of the features of Figure 2A. Calculations 1 and 2 in Figure 2B have been revised to be consistent with formulas 1-8 presented in the specification. Figure 2A also illustrates "Reference Value  $K_j$ " instead of reference allowance  $K_j$  which was included in original Figure 2. In addition, Figure 3 has been revised to illustrate a valuation mark  $T_j$  bar graph, Figure 4 has been revised to illustrate a reference value  $K_j$  bar graph, Figure 5 has been revised to illustrate a bar graph showing a combination of the valuation mark  $T_j$  and the reference value  $K_j$ , Figure 6 has been revised to illustrate a preceding term allowance  $Z_j$  bar graph, and Figures 7-8 have been revised to illustrate bar graphs showing the allowance  $H_j$ .

In view of these revisions to the drawings, the Applicant respectfully submits that the replacement formal drawings overcome the Examiner's objection to the drawings. Accordingly, approval of the replacement drawings is respectfully requested.

In item 5 on page 4 of the Office Action, claims 1-4 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. This rejection is believed to be moot in view of the cancellation of claims 1-4.

The Applicant respectfully submits that this rejection is inapplicable to new claim 5, which has been added in favor of cancelled claim 5. The preamble of claim 5 recites “a computer-readable recording medium on which an allowance calculation program is stored” and further recites that the allowance calculation program causes the personal computer to perform the recited operations. Accordingly, by positively reciting the allowance calculation program as being stored on a computer-readable recording medium and causing the personal computer to perform the recited functions, the Applicant respectfully submits that new claim 5 clearly recites patentable subject matter under 35 U.S.C. § 101. Therefore, withdrawal of the rejection under 35 U.S.C. § 101 is respectfully requested.

In item 6 on page 5 of the Office Action, claims 1-4 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. In particular, the Examiner asserted that claims 1-4 contained numerous limitations lacking proper antecedent basis and reciting unduly broad terminology. This rejection is believed to be moot in view of the cancellation of claims 1-4.

New claim 5 has been drafted so as to provide proper antecedent basis for each recited limitation and to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Accordingly, the Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. § 112, second paragraph.

In item 7 on page 6 of the Office Action, claims 1-4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kobayashi (JP 10097568-A) in view of Britt (article, Designing a performance-based compensation plan). This rejection is believed to be moot in view of the cancellation of claims 1-4.

Furthermore, the Applicant respectfully submits that this rejection is inapplicable to new claim 5 for the following reasons.

The present invention, as recited in new claim 5, provides an allowance calculation program which is processed with a personal computer having the computer-

readable medium and which causes the personal computer to obtain a reflection of a personal valuation result on a calculation of an allowance including at least one of a wage based on job valuation, a bonus and an annual salary.

The allowance calculation program causes the personal computer to perform an operation of obtaining a product of a total valuation mark of each valuate, the total valuation mark of each valuate being a product of a personal valuation and a seniority-related value pertaining to at least one of an age and continuous service years of each valuate. The allowance calculation program also causes the personal computer to perform an operation of calculating a tentative allowance based on a sole pertinent term personal valuatee by multiplying the product obtained in said obtaining by an allowance calculation obtained by dividing a total allowance for each predetermined personal valuation subject group by a sum of overall valuation marks.

The allowance calculation program also causes the personal computer to perform an operation of calculating a change in pertinent term allowance by multiplying a difference between the tentative allowance calculated in said calculating of the tentative allowance and a past allowance by a ratio between the past total allowance and the pertinent term total allowance. Furthermore, the allowance calculation program causes the personal computer to perform an operation of calculating the allowance for each valuatee by adding the pertinent term allowance change to the past total allowance.

Accordingly, the allowance calculation program of the present invention causes the personal computer to calculate the allowance for each valuate with reference to a total allowance for each predetermined valuation subject group.

Kobayashi et al. discloses a reflected adjustment calculation that is applied to a personnel rating system. The adjustment calculation considers past bonuses  $Z_j$  and the ability of a particular person before a decision is made to grant that particular person an adjustment  $X_c$ . However, Kobayashi et al. clearly does not disclose, suggest or even contemplate that the adjustment calculation calculates the adjustment with reference to a total allowance for each predetermined valuation subject group, as recited in new claim 5.

Britt discloses a performance-based compensation plan that adjusts bonuses over a predetermined period to allow for employee education and acceptance. However, similar to Kobayashi et al, Britt clearly does not disclose or suggest that the performance-

based compensation plan calculates bonuses over a predetermined period with reference to a total allowance for each predetermined valuation subject group, as recited in new claim 5.

Therefore, Kobayashi et al. and Britt, either individually or in combination, clearly fail to disclose or suggest each and every limitation of new claim 5.

Accordingly, no obvious combination of Kobayashi et al. and Britt would result in the invention of new claim 5 since Kobayashi et al. and Britt, either individually or in combination, clearly fail to disclose or suggest each and every limitation of new claim 5.

Furthermore, it is submitted that the distinctions discussed above are such that a person having ordinary skill in the art at the time the invention was made would not have been motivated to modify Kobayashi et al. and Britt in such a manner as to result in, or otherwise render obvious, the present invention as recited in new claim 5.

Therefore, it is submitted that the new claim 5 is clearly allowable over the prior art as applied by the Examiner.

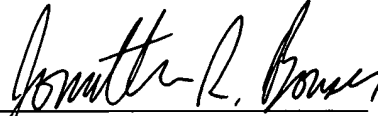
In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is clearly in condition for allowance. An early notice thereof is respectfully solicited.

If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

A fee and a Petition for a two-month Extension of Time are filed herewith pursuant to 37 CFR § 1.136(a).

Respectfully submitted,

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